



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

February 28, 2011

Doug Roll, Mayor  
City of Libby  
952 E. Spruce Street  
Libby, MT 59923

Re: Libby Asbestos Superfund Site  
Operable Unit 1 – former Export Plant property  
Request for Access

Dear Mayor Roll:

The purpose of this letter is to request access to conduct remedial action at Operable Unit 1, the former Export Plant property, of the Libby Asbestos Superfund Site. EPA plans to begin remediation as soon as weather allows this late April or early May. It is important to proceed with this project to reduce potential exposures to Libby Amphibole asbestos.

Please return the signed access agreement to me by March 14<sup>th</sup>. If the signed access agreement is not returned by that date, EPA will understand that the City of Libby refuses access to allow for remediation of the property. In addition to the access agreement, please inform EPA by March 14<sup>th</sup> if the City of Libby chooses to perform final restoration of the property. If so, negotiations on that agreement must begin by mid-March to allow for timely remediation of the property.

I plan to be in Libby the week of March 7<sup>th</sup> and would welcome an opportunity to meet with you and/or your consultant if you wish to discuss the remedial design, restoration offer, and this request for access. Please feel free to contact me at (303) 312-6552, or via email at [thomas.rebecca@epa.gov](mailto:thomas.rebecca@epa.gov) if you have any questions concerning this request for access, or if you would like to arrange a meeting for the week of the 7<sup>th</sup>.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca J. Thomas".

Rebecca J. Thomas  
Remedial Project Manager

Enclosure

cc: Libby City Council  
Jim Hammons  
Victor Ketellapper, EPR-SR  
Andy Lensink, ENF-L





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### CONSENT FOR ACCESS TO PROPERTY

Owner Name: City of Libby, Montana  
Location of Property: Libby, Montana  
Address: Corner of Highway 37 and Thomas Street. The legal description for this property is attached.  
Relationship to Property (owner, tenant, etc.): Owner  
Phone: (406) 293-1278 (City of Libby Administrator)

I, the undersigned, am the representative of the City of Libby, Montana, which is the owner of the real property at the location described above. I have authority to sign this Consent for Access on behalf of the City of Libby. The Environmental Protection Agency has requested entry and access to this property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund) as amended, 42 U.S.C 9601 et seq.

On behalf of the City of Libby, Montana, I consent to officers, employees, authorized representatives, and authorized contractors of the EPA entering and having continued access to the above referenced property for the following purposes:

1. Conduct any and all remedial activities required to implement the remedy selected in the Record of Decision for the Libby Asbestos Superfund Site, Operable Unit 1, dated May 2010;
2. Complete restoration efforts once contaminated material has been removed or capped, based upon approved Statement of Work, to include repair of possible damage or property loss as a proven direct result of remedial and restoration activities; and
3. Other such actions as the EPA Remedial Project Manager determines may be necessary to protect human health and the environment.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, representatives and authorized contractors of the EPA at reasonable times.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## LEGAL DESCRIPTION PARCEL "A"

A tract of land, lying in Libby, Montana, in Lincoln County, and in Gov't Lot 4 of Section 3, T.30N., R.31W., P.M., MT., being a portion of that Parcel, as shown on Certificate of Survey No. 2332, Lincoln County records, containing  $\pm 10.936$  acres, and more particularly described as follows:

Commencing at the northeasterly corner of Plot No. 652, a 5/8 inch rebar marked JRS 9958LS and the True Point of Beginning; thence along the southerly bank of the Kootenai River the following thirteen (13) courses: S59°11'21"E 39.65 feet to a computed point; thence S58°29'55"E 42.39 feet to a computed point; thence S41°46'33"E 110.38 feet to a computed point; thence S56°15'03"E 79.07 feet to a computed point; thence S53°10'09"E 79.04 feet to a computed point; thence N53°09'26"E 32.62 feet to a computed point; thence S73°27'10"E 50.59 feet to a computed point; thence S32°03'36"E 43.75 feet to a computed point; thence S00°09'11"W 64.86 feet to a computed point; thence S49°44'45"E 219.62 feet to a computed point; thence S35°03'47"E 108.75 feet to a computed point; thence S51°31'52"E 151.03 feet to a computed point; thence S43°36'24"E 53.89 feet to a computed point; thence leaving said south bank of Kootenai River S46°04'40"W 34.62 feet to a set 5/8 inch rebar capped Hughes 7322-LS marking the northwesterly right-of-way line of Montana Highway No. 37; thence along said right-of-way line N43°58'50"W 356.84 feet to a set 5/8 inch rebar capped Hughes 7322-LS; thence continuing along said right-of-way line S45°03'10"W 120.00 feet to a set 5/8 inch rebar capped Hughes 7322-LS; thence continuing along said right-of-way line S24°51'25"E 368.41 feet to a set 5/8 inch rebar capped Hughes 7322-LS; thence continuing along said right-of-way line S46°03'47"W 173.34 feet to a set 5/8 inch rebar capped Hughes 7322-LS, marking the intersection of said northwesterly right-of-way of Montana Highway 37 and the Northerly right-of-way line of a 200 foot Burlington Northern Rail Road Right-of-Way line which measures 100.00 feet from the centerline thereof; thence along said northern Right-of-Way line of Burlington Northern Rail Road N63°58'00"W 861.63 feet to a found 5/8 inch rebar capped JRS 9958-LS; thence N29°49'53"E 694.65 feet to the True Point of Beginning.

The abovescribed tract of land is to be known as Parcel "A" and contains  $\pm 10.936$  acres and is subject to and together with all appurtenant easements of record, actual or implied.